

SAMPSON & ASSOCIATES
Bryan D. Sampson, Esq. (#143143)
Mary L. Fickel, Esq. (#221872)
2139 First Avenue
San Diego, California 92101
Tel. (619) 557-9420 / Fax (619) 557-9421
bsampson@sampsonlaw.net

Attorneys for Plaintiffs/Counterdefendants
FRIGATE LIMITED and SEAMARK TRUST COMPANY (CI) LIMITED

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

FRIGATE LIMITED, an Isle of Man corporation; SEAMARK TRUST COMPANY (C I) LIMITED, Trustee of THE CECILIA L. DAMIA FAMILY TRUST AGREEMENT and THE EMIL DAMIA FAMILY TRUST AGREEMENT.

Plaintiffs,

CECILIA L. DAMIA

Defendant.

AND RELATED COUNTERCLAIMS

Case No. 06-CV-04734-CRB

**SECOND STIPULATION TO CONTINUE
DEFENDANT'S MOTION FOR A
PRELIMINARY INJUNCTION AND
ORDER THEREON**

[Civ. L.R. 6-2]

Date: April 13, 2007

Time: 10:00 a.m.

Ctrm: 8, 19th Floor

Judge: Hon. Charles R. Breyer

DECLARATION

On February 23, 2007, Defendant filed and served a Motion for Preliminary Injunction (“Motion”). The hearing date for Defendant’s Motion is currently set for April 13, 2007 at 10:00 a.m. See Court Records.

On January 3, 2007, the Court entered an Order referring the case to Mediation. On March 20, 2007, the parties attended the Court ordered Mediation. The parties actively engaged in meaningful settlement negotiations through the Mediation process and have reached a conditional agreement to settle.

111

As part of the conditional settlement, Defendant agreed to transfer stock in HCM Management, Inc. to Plaintiff Frigate. Plaintiff Frigate is in the process of obtaining a valuation of the HCM stock. However, Frigate has not yet received a written valuation for consideration by its Directors. Plaintiff Frigate is informed and believes it will receive and vote on the HCM stock valuation within two weeks, i.e., April 24, 2007.

6 As a result, the parties agree that further continuing Defendant's motion hearing to April 27,
7 2007, is in the best interest of the parties in their attempt to fully settle this case and may obviate the
8 need for Court intervention.

9 The parties have stipulated to continue Defendant's motion hearing on one previous occasion,
10 previously stipulated to extend the time for Defendant to Answer Plaintiff's Complaint and previously
11 stipulated to continue the hearing on the Court's Order to Show Cause Re: Appointment of a Limited
12 Receiver. The parties do not believe a further continuance will effect the case schedule.

13 The parties further agree that continuing the Case Management Conference to coincide with the
14 requested continuance on Defendant's motion is in the best interest of the parties and promotes judicial
15 economy.

16 I declare under the penalty of perjury under the laws of the United States that the foregoing is
17 true and correct. This declaration is executed this 10th day of April, 2007, at San Diego, California.

19 By: /s/ Mary L. Fickel
Mary L. Fickel, Esq.

I declare under the penalty of perjury under the laws of the United States that the foregoing is
true and correct. This declaration is executed this 10th day of April, 2007, at Palo Alto, California.

24 By: /s/ Scott Berman
Scott Berman, Esq.

25 ///
26 ///
27 ///
28 ///

STIPULATION

Plaintiffs FRIGATE LIMITED and SEAMARK TRUST COMPANY (C I) LIMITED (“Plaintiffs”) and Defendant CECILIA DAMIA, by and through their respective attorneys of record, hereby stipulate to continue the hearing on Defendant’s Motion for a Preliminary Injunction, originally scheduled on March 30, 2007, from April 13, 2007 at 10:00 a.m. to April 27, 2007 at 10:00 a.m. The parties further stipulate to, and request the Court continue the Case Management Conference from April 13, 2007 at 10:00 a.m. to April 27, 2007 at 10:00 a.m.

IT IS SO STIPULATED.

Dated: April 10, 2007

SAMPSON & ASSOCIATES

By: /s/ Mary L. Fickel
Mary L. Fickel, Esq.
Attorneys for Plaintiffs

Dated: April 10, 2007

PIERCE & SHEARER, LLP

By: /s/ Scott Berman
Scott Berman, Esq.
Attorneys for Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 11, 2007

